

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**FILE:** B-220037

**DATE:** November 20, 1985

**MATTER OF:** Alliance Properties, Inc.

**DIGEST:**

Allegation that low bidder is affiliated with a debarred corporation constitutes a protest to an affirmative determination of responsibility which our Office will not review in the absence of a showing of fraud or bad faith on the part of contracting officials or a failure to apply definitive criteria of responsibility.

Alliance Properties, Inc. (Alliance), the apparent third low bidder under invitation for bids (IFB) No. DTCG34-85-B-0019 issued by the Coast Guard, protests the award of a contract under that solicitation to DWS Inc. (DWS), the low bidder, or Ralph Construction, the second low bidder.

We dismiss the protest.

Alliance protests that DWS is ineligible for award because of its affiliation with a debarred contractor, Jets Venture Capital Corporation (Jets). As evidence of DWS's affiliation with Jets, Alliance points out that a Dun and Bradstreet report indicates that DWS is 49 percent owned by Jets.

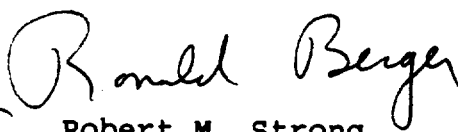
The Coast Guard, prior to finding DWS responsible and as part of the preaward survey conducted on DWS, determined that there was no affiliation between DWS and Jets.

Alliance's dispute of the Coast Guard's finding constitutes a challenge to an affirmative determination of responsibility which our Office will not review in the absence of a showing of possible fraud or bad faith on the part of contracting officials or that the solicitation contains definitive responsibility criteria that allegedly

have not been applied. Moore Service, Inc., B-212054, Dec. 6, 1983, 83-2 C.P.D. ¶ 648; Columbus Marble Works, Inc., B-193754, Aug. 21, 1979, 79-2 C.P.D. ¶ 138; Dyneteria, Inc., B-186823, Oct. 18, 1976, 76-2 C.P.D. ¶ 338. Neither exception has been shown here.

Alliance also protests that the Coast Guard improperly accepted a late bid from Ralph Construction, the second low bidder. However, since we find no basis upon which to question an award to DWS, the low bidder, we need not consider the protest against the second low bidder.

The protest is dismissed.

  
for Robert M. Strong  
Deputy Associate General  
Counsel